

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kenneth C Whiteleather**  
**aka Kenny C Whiteleather**  
Debtor(s)

Bankruptcy Case No.: 18-24915-CMB  
Per September 30, 2021 Proceeding  
Chapter: 13  
Docket No.: 81 – 78, 79  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 28, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,072.00 as of October, 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: October 1, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:  
Kenneth C Whiteleather  
Debtor

Case No. 18-24915-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Oct 01, 2021

User: dric  
Form ID: 149

Page 1 of 3  
Total Noticed: 40

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2021:

Recip ID	Recipient Name and Address
db	+ Kenneth C Whiteleather, 5900 Babcock Boulevard, Unit 17, Pittsburgh, PA 15237-2553
14970405	+ Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803
14970416	++ FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE, GRAND RAPIDS MI 49546-6253 address filed with court., Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45263
14970415	+ Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610
14986240	Fifth Third Bank, P.O. Box 637640, Cincinnati Ohio 45263-7640
14970418	Kohls / Capital One, N56 West 17000 Ridgewood Drive, Menomonee Falls, WI 53051
14970420	+ Mohela / Department Of Education, 633 Spirit Drive, Chesterfield, MO 63005-1243
14970427	+ Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
14970428	Toyota Motor Credit Company, P.O. Box 15012, Chandler, AZ 85244-5012
14996727	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14993797	U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184, Harrisburg PA 17106-9184

TOTAL: 11

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14991202	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 01 2021 23:57:00	Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919
14970410	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 01 2021 23:57:00	Citizens Bank Na, 480 Jefferson Boulevard, Warwick, RI 02886
14970406	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 02 2021 00:11:21	Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
14970407	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 02 2021 00:11:26	Capital One, Po Box 30285, Salt Lake City, UT 84130-0285
14984215	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 02 2021 00:11:21	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
14970408	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 02 2021 00:11:16	Capital One N.A., PO Box 30285, Salt Lake City, UT 84130-0285
14970409	+ Email/Text: bk.notifications@jpmchase.com	Oct 01 2021 23:57:00	Chase Auto, Po Box 901003, Ft Worth, TX 76101-2003
14970411	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 01 2021 23:57:00	Comenity Bank / Giant Eagle, Po Box 182789, Columbus, OH 43218-2789
14970412	+ Email/PDF: creditonebknotifications@resurgent.com	Oct 02 2021 00:11:17	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
14970413	Email/Text: mrdiscen@discover.com	Oct 01 2021 23:57:00	Discover Financial Services LLC, Po Box 15316, Wilmington, DE 19850
14970414	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Oct 02 2021 00:11:24	Dsnb Macys, Po Box 8218, Mason, OH 45040
15006896	Email/Text: bnc-quantum@quantum3group.com		

District/off: 0315-2

User: dric

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		Oct 01 2021 23:57:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
14973402	Email/Text: mrdiscen@discover.com	Oct 01 2021 23:57:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15002700	+ Email/Text: kbarkley@bernsteinlaw.com	Oct 01 2021 23:57:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14970417	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Oct 01 2021 23:58:00	Genesis / Celtic Indigo, Po Box 4499, Beaverton, OR 97076-4499
14970419	+ Email/Text: bankruptcydpt@mcmcg.com	Oct 01 2021 23:57:00	Midland Funding LLC, 350 Camino De La Reina, San Diego, CA 92108-3007
14992042	+ Email/Text: bankruptcydpt@mcmcg.com	Oct 01 2021 23:57:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
14992256	Email/Text: Bankruptcy.Notices@pnc.com	Oct 01 2021 23:57:00	PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
14970422	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 02 2021 00:11:17	Portfolio Recovery Associates, 120 Corporate Boulevard, Suite 1, Norfolk, VA 23502
14998524	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 02 2021 00:11:17	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14971548	+ Email/PDF: rmscedi@recoverycorp.com	Oct 02 2021 00:11:22	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14970421	+ Email/Text: paparaegals@pandf.us	Oct 01 2021 23:58:00	Patenaude & Felix APC, 501 Corporate Drive, Southpointe Center, Suite 205, Canonsburg, PA 15317-8584
15007555	+ Email/Text: bncmail@w-legal.com	Oct 01 2021 23:57:00	SYNCHRONY BANK, c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14970423	+ Email/PDF: gecscdi@recoverycorp.com	Oct 02 2021 00:11:21	Syncb / Amazon, Po Box 965015, Orlando, FL 32896-5015
14970424	+ Email/PDF: gecscdi@recoverycorp.com	Oct 02 2021 00:11:16	Syncb / JCPenney, Po Box 965007, Orlando, FL 32896-5007
14970425	+ Email/PDF: gecscdi@recoverycorp.com	Oct 02 2021 00:11:15	Syncb / Walmart, Po Box 965024, Orlando, FL 32896-5024
15007328	+ Email/PDF: gecscdi@recoverycorp.com	Oct 02 2021 00:11:15	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15007609	+ Email/Text: bncmail@w-legal.com	Oct 01 2021 23:57:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14970426	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Oct 01 2021 23:58:00	Tbom / Milestone, Po Box 4499, Beaverton, OR 97076-4499

TOTAL: 29

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Citizens Bank, N.A.
cr		FIFTH THIRD BANK
cr		Fifth Third Bank, National Association as Successor
cr		Toyota Motor Credit Corporation
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0315-2

User: dric

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Date Rcvd: Oct 01, 2021

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Total Noticed: 40

TOTAL: 4 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 03, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2021 at the address(es) listed below:**

Name	Email Address
Brian Nicholas	on behalf of Creditor Toyota Motor Credit Corporation bnicholas@kmlawgroup.com
Daniel P. Foster	on behalf of Debtor Kenneth C Whiteleather dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Garry Alan Masterson	on behalf of Creditor Citizens Bank N.A. pitecf@weltman.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Lauren Moyer	on behalf of Creditor FIFTH THIRD BANK ecfmail@ecf.courtdrive.com
Lauren Moyer	on behalf of Creditor Fifth Third Bank National Association as Successor by merger to Fifth Third Mortgage Company ecfmail@ecf.courtdrive.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 8